

**2017 TENNESSEE STATE HIGH SCHOOL
MOCK TRIAL COMPETITION
CASE MATERIALS**

**IN THE CIRCUIT COURT FOR WESTON COUNTY, TENNESSEE
AT SHRADERVILLE**

STATE OF TENNESSEE,

v.

**HADLEY GRUBER, a child under the age of
18.**

Case No. 16-cr-11117

The Tennessee State High School Mock Trial Competition is organized by the Young Lawyers Division of the Tennessee Bar Association.

Questions or comments may be directed to your Mock Trial District Coordinator or to the Chair of the Tennessee High School Mock Trial Committee. Teams may not edit materials.

The problem stands as written. If there are discrepancies, please consider them to be complexities for consideration in developing a trial strategy. **All parties and witnesses may be portrayed by persons of any gender.** All similarities between this problem and true events or actual persons should be disregarded.

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PAST WINNERS

1980	Austin-East High School
1981	Bearden High School
1982	White Station High School
1983	White Station High School
1984	Knoxville West High School
1985	Father Ryan High School
1986	Knoxville Doyle High School
1987	Greeneville High School
1988	Memphis Central High School
1989	Jackson-Central Merry High School
1990	Father Ryan High School
1991	Father Ryan High School
1992	Franklin High School
1993	Montgomery Bell Academy
1994	McCallie School
1995	Montgomery Bell Academy
1996	Clinton High School
1997	Clinton High School†
1998	Houston High School
1999	Clinton High School
2000	Clinton High School
2001	Clinton High School
2002	Family Christian Academy*
2003	Family Christian Academy*
2004	Hume-Fogg Academic High School
2005	Hume-Fogg Academic High School
2006	Knoxville West High School
2007	St. Mary's Episcopal School of Memphis
2008	St. Mary's Episcopal School of Memphis
2009	White Station High School
2010	White Station High School
2011	White Station High School
2012	McCallie School
2013	Kingsport Area Christian Home Education Association
2014	Springfield High School
2015	Springfield High School
2016	Montgomery Bell Academy

* National champion.

† National championship runner-up.

NOTE TO TEAMS ADVANCING TO STATE COMPETITION

TO ADD COMPLEXITY AT THE STATE COMPETITION, THE COMMITTEE **MAY** RELEASE ADDITIONAL MATERIAL FOR THE STATE COMPETITION ON OR BEFORE MARCH 3, 2017. TEAMS ADVANCING TO THE STATE COMPETITION SHOULD ACQUIRE AND PREPARE ANY ADDITIONAL MATERIAL BETWEEN THE DISTRICT AND STATE COMPETITIONS.

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Case Summary

Everyone agreed: Hadley Gruber was unusually bright. Gruber excelled in school, always leading the class in both GPA and extracurricular activities. And Gruber cared about others. The fraternal twins, Hadley and Holly Gruber, both wanted to be doctors. So when they entered ninth grade, they both were accepted into a program within the local system known as the Academy of Medical Technology. The AMT program was intended to prepare high school students for careers in the medical field.

Hadley did well in the AMT program. The summer before Hadley's senior year, Hadley applied to work as a care assistant at Mapleleaf Manor, a local nursing home/assisted care facility. The program, open only to rising seniors at least 17 years old, was a centerpiece of the AMT program. Mapleleaf accepted Hadley for the summer.

At Mapleleaf, Hadley was tasked with providing care for a few patients while also learning about unique aspects of the healthcare system as related to elder care. No one at Mapleleaf had anything bad to say about Hadley, except De'voreaux Black. Black, a former limousine driver, made a complaint to a Mapleleaf supervisor. Black told the supervisor that Hadley had grabbed Black roughly around the neck when Black refused to eat an entire serving of puréed carrots. According to Black, Hadley mumbled something about a "scorecard" and "all the points."

On the evening of July 3, 2016, the Weston County Emergency Services operator received a garbled 911 call. The caller tried to identify himself, but the 911 operator could only make out the word "Karl." The operator traced the call to Mapleleaf and dispatched police. The first person to arrive was Shrader City Police Investigator Jonnie McSwain. McSwain, working with Mapleleaf staff, located the only "Karl" in the Mapleleaf building: a resident named Karl Godunov. When Investigator McSwain reached Godunov's room, Godunov seemed to be in an agitated state of pain and anger. McSwain saw several bruises and red marks around Godunov's neck and jaw area.

Due to an accident several years ago, Godunov suffered a significant speech impediment. McSwain was able to discern, however, that Godunov was upset at a "Hadley." Godunov told McSwain that Hadley had been assigned to feed him dinner that evening. Godunov refused to eat his melon-flavored gelatinous dessert. Hadley repeatedly tried to force Godunov to eat the green substance, grabbing him roughly about the head and neck. Hadley claimed to be the "perfect healthcare employee" and that no one would break Hadley's string of "perfect evaluations."

Emergency Medical Services transported Godunov to the local hospital for evaluation and observation. Despite the use of oxygen during his transport from Mapleleaf, Mr. Godunov lost consciousness in the ambulance ride to the hospital. EMTs immediately started CPR; however, because of the remote location of Mapleleaf within the abnormally large Weston County, the ambulance ride took nearly 25 minutes, with Mr. Godunov being deprived of oxygen for more than half of that time. Upon reaching the hospital, emergency healthcare providers were able to stabilize Mr. Godunov; however, the loss of oxygen likely resulted in some cognitive impairment.

Unfortunately, Godunov died from heart failure two weeks later. No physicians opined that his death was related to his alleged mistreatment at Hadley's hands. What was clear to the treating doctors, though, was that someone had used their hands to apply strong and repeated force to Godunov's face and neck. In fact, one of Godunov's physicians stated that, based on the bruise fade pattern on Godunov's neck, the abuse had occurred over a period of multiple weeks.

Investigator McSwain reviewed Mapleleaf's personnel logs, which included a log of persons who were assigned to enter Godunov's room on the day of the attack. On the day of the attack, Hadley was the only person who was assigned to care for Godunov during the six hours preceding the 911 call. McSwain also compared this to the log Mapleleaf kept of employee badges that would have permitted electronic access to the computer system in each room to permit employees to log patient's vital statistic. On the day of the attack, the employee badge that consistently signed into the computers in Godunov's room belonged to Hadley.

After reviewing the evidence with Investigator McSwain, the local District Attorney General filed a petition in Weston County Juvenile Court. The petition alleged that Defendant Hadley Gruber had committed the felony offenses of aggravated assault and adult abuse.

Shortly after filing the petition against Gruber, the State proceeded to file a petition asking the juvenile court to transfer the Defendant to the Weston County Circuit Court to be tried as an adult. As required by Tennessee statute, Gruber underwent a forensic evaluation by Thames Gilyard, a Licensed Psychological Examiner. Gilyard prepared a written report, which has been received by both the District Attorney General and the defense. Gilyard opined that Gruber had the ability to understand the charges filed against Gruber, and that Gruber did not meet the standards for commitment to a mental health institute.

While investigating the case, defense counsel discovered that the victim, Karl Godunov, was the subject of a conservatorship action in early 2015. Dr. Yoshinobu Takagi, a family practice physician, evaluated Godunov's mental state and opined that he was in need of a conservator. As important to this case, Dr. Takagi's affidavit briefly restated Godunov's medical history, described his disabilities, and opined that he could not adequately handle his personal or financial needs.

Defense counsel also met with Mapleleaf Manor administrator, Truth Beaverhausen, who praised Hadley's performance as an employee at Mapleleaf Manor. Beaverhausen did acknowledge, however, that Hadley was terminated from Mapleleaf for violation of the employment policy on maintaining control over identification badges. Beaverhausen maintained that Hadley was still an exceptional employee who Beaverhausen felt confident wouldn't harm Mr. Godunov.

A Word Concerning Procedural Posture: As most mock trial participants and coaches know, the Mock Trial Committee typically modifies the law to be applied during the competition. The Committee does so to limit the scope of applicable law to a workable amount, and to facilitate the Tennessee High School Mock Trial Program's long-standing tradition of crafting a problem involving a jury trial. The Committee thinks it appropriate to note that this year's applicable law includes a significant departure from Tennessee statute. Under Tennessee law as it now stands, juvenile transfer cases are heard by a juvenile court judge rather than by a jury. But to perpetuate the Tennessee Mock Trial Competition's tradition of creating cases involving a jury trial, the Committee has seen fit to draft the applicable law section such that teams will present and argue their cases as if a jury were to decide whether or not to transfer the juvenile defendant to circuit court to be tried as an adult.

Witnesses for the State:

- Investigator Jonnie McSwain
- Thames Gilyard
- De'voreaux Black
- Dr. Addison Anderson

Witnesses for the Defense:

- Hadley Gruber
- Dr. Yoshinobu Takagi
- Harper Gennaro
- Truth Beaverhausen

AGREED STIPULATIONS

As a prefatory note, it is the express intention of the Mock Trial Committee that this transfer hearing proceed to a hearing on the merits of the case. Accordingly, many of these stipulations are intended to obviate many prehearing procedural challenges to the validity of the underlying petition, e.g., deficiencies in the pleadings, that would exist anywhere except the Mock Trial universe.

1. Whenever a rule of evidence requires reasonable notice, teams must presume that such notice has been given.
2. No props may be used. Teams may use markers, pens, pointers, or sticky notes to assist in the presentation of witness testimony concerning an exhibit. Exhibits may be copied and enlarged for demonstrative purposes if the proper foundation for admission is laid at trial.
3. Participants may only cite evidence contained in these problem materials. Cross-reference to other mock trial problems is prohibited. Any similarity to true events or actual persons is to be disregarded. Participants may not cite legal or factual authority outside that presented in the problem materials, the Rules of the Competition, and the Mock Trial Rules of Evidence.
4. Stipulations may not be contradicted or challenged. It shall be the responsibility of the teams to bring the stipulations to the attention of the Court as the situation may require.
5. All witness statements have been sworn to by the declarant.
6. No objections or arguments may be made upon the grounds of jurisdiction or venue.
7. Teams may not raise objections or defenses based upon procedural defects or constitutional violations. Teams may not assert criminal responsibility or any defense against any non-party person or entity.
8. Pleadings are provided only for reference purposes. No argument shall be raised based on a perceived deficiency.
9. The nature and extent of punishment and/or rehabilitative measures to be imposed should the jury decline to transfer the Defendant to be tried as an adult are not at issue in this case.
10. All exhibits included with these materials are authentic. Teams may not object to any exhibit's authenticity.

11. No objections or defenses shall be raised as to the statute of limitations, adequacy of service of process, or adequacy of notice.
12. The Defendant is considered to have been given a full and accurate reading of his/her *Miranda* rights before giving his/her witness statement. Further, the Defendant has been fully advised of his/her constitutional rights with regard to testimony at trial. The Defendant has waived his/her right against self-incrimination and has chosen to testify in his/her own defense. No defense may be raised regarding any perceived constitutional or *Miranda* deficiencies (1) in the manner in which the Defendant's witness statement was obtained, or (2) in the manner in which Defendant chose to testify in his/her own defense.
13. The Defendant may not refuse to testify based on Fifth Amendment concerns. As noted in the Applicable Law below, statements made by the Defendant during the transfer hearing in juvenile court are not admissible against the Defendant, over objection, in the criminal proceedings following the transfer.
14. Each expert has knowledge of his/her *curriculum vitae*.
15. Yoshinobu Takagi has knowledge of the affidavit of conservatorship for Karl Godunov.
16. Addison Anderson has knowledge of the Gruber Memorial Hospital medical record of Karl Godunov.
17. Thames Gilyard has knowledge of the letter to the court and the mental health evaluation of Hadley Gruber.
18. Truth Beaverhausen has knowledge of the Mapleleaf Manor Employee Login Catalogue; the Memorandum re: De'Voreaux Black; and the termination and reprimand documents for Hadley Gruber.
19. Hadley Gruber has knowledge of his/her termination and reprimand documents.
20. Harper Gennaro has knowledge of his/her employee evaluation.

APPLICABLE LAW

Burden of Proof

The State must prove by clear and convincing evidence each of the three elements set forth by the transfer statute. To prove an issue by clear and convincing evidence, the party having that burden of proof must show that the proposed conclusion is highly probable and that there is no serious or substantial doubt about the correctness of the conclusions drawn from the evidence.

Transfer to Adult Court

- (a) After a petition has been filed alleging delinquency based on conduct that is designated a crime or public offense under the laws of this state, the court, before hearing the petition on the merits, may transfer the child to the sheriff of the county to be held according to law and to be dealt with as an adult in the criminal court of competent jurisdiction. The disposition of the child shall be as if the child were an adult if the court finds by clear and convincing evidence that there are reasonable grounds to believe that:
- (1) The child committed the delinquent act as alleged;
 - (2) The child is not committable to an institution for the developmentally disabled or mentally ill; and
 - (3) The interests of the community require that the child be put under legal restraint or discipline.
- (b) In making the determination required by subsection (a), the following factors shall be considered:
- (1) The extent and nature of the child's prior delinquency records;
 - (2) The nature of past treatment efforts and the nature of the child's response thereto;
 - (3) Whether the offense was against person or property, with greater weight in favor of transfer given to offenses against the person;
 - (4) Whether the offense was committed in an aggressive and premeditated manner;
 - (5) The possible rehabilitation of the child by use of procedures, services and facilities currently available to the court in this state; and
 - (6) Whether the child's conduct would be a criminal gang offense if committed by an adult.

- (c) The transfer pursuant to subsection (a) terminates jurisdiction of the juvenile court with respect to any and all delinquent acts with which the child may then or thereafter be charged, and the child shall thereafter be dealt with as an adult as to all pending and subsequent criminal charges.
- (d) Statements made by the child at the juvenile court hearing under this section are not admissible against the child, over objection, in the criminal proceedings following the transfer.

Presumption of Innocence

The law presumes that the defendant is innocent of the charge[s] against him/her. This presumption remains with the defendant throughout every stage of the trial, and it is not overcome unless from all the evidence in the case the jury is convinced beyond a reasonable doubt that the defendant is guilty.

Tennessee Code Annotated § 71-6-117

- (a) It is an offense for any person to knowingly, other than by accidental means, abuse, neglect or exploit any adult within the meaning of this part.
- (b) A violation of this section is a Class D felony.

Tennessee Code Annotated § 71-6-102

As used in this part, unless the context otherwise requires:

- (1) "Abuse or neglect" means the infliction of physical pain, injury, or mental anguish, or the deprivation of services by a caretaker that are necessary to maintain the health and welfare of an adult or a situation in which an adult is unable to provide or obtain the services that are necessary to maintain that person's health or welfare.
- (2) "Adult" means a person eighteen (18) years of age or older who because of mental or physical dysfunctioning or advanced age is unable to manage such person's own resources, carry out the activities of daily living, or protect such person from neglect, hazardous or abusive situations without assistance from others and who has no available, willing, and responsibly able person for assistance and who may be in need of protective services; provided, however, that a person eighteen (18) years of age or older who is mentally impaired but still competent shall be deemed to be a person with mental dysfunction for the purposes of this chapter.

- (3) "Caretaker" means an individual or institution who has assumed the duty to provide for the care of the adult by contract or agreement.

Tennessee Code Annotated § 39-13-101

- (a) A person commits assault who:

- (1) Intentionally, knowingly or recklessly causes bodily injury to another;
- (2) Intentionally or knowingly causes another to reasonably fear imminent bodily injury; or
- (3) Intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.

Tennessee Code Annotated § 39-13-102

- (a) A person commits aggravated assault who:

- (1) Intentionally or knowingly commits an assault as defined in § 39-13-101 and:
 - (A) Causes serious bodily injury to another; or
 - (B) Uses or displays a deadly weapon; or
- (2) Recklessly commits an assault as defined in § 39-13-101(a)(1), and:
 - (A) Causes serious bodily injury to another; or
 - (B) Uses or displays a deadly weapon.

- (b) Aggravated assault under subdivision (a)(1) is a Class C felony. Aggravated assault under subdivision (a)(2) is a Class D felony.

Tennessee Code Annotated 39-11-302

- (a) "Intentional" refers to a person who acts intentionally with respect to the nature of the conduct or to a result of the conduct when it is the person's conscious objective or desire to engage in the conduct or cause the result.
- (b) "Knowing" refers to a person who acts knowingly with respect to the conduct or to circumstances surrounding the conduct when the person is aware of the nature of the

conduct or that the circumstances exist. A person acts knowingly with respect to a result of the person's conduct when the person is aware that the conduct is reasonably certain to cause the result.

- (c) "Reckless" refers to a person who acts recklessly with respect to circumstances surrounding the conduct or the result of the conduct when the person is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the accused person's standpoint.
- (d) "Criminal negligence" refers to a person who acts with criminal negligence with respect to the circumstances surrounding that person's conduct or the result of that conduct when the person ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the accused person's standpoint.

Direct and Circumstantial Evidence

There are two kinds of evidence: direct and circumstantial. Direct evidence is direct proof of a fact, such as testimony of a witness about what the witness personally observed.

Circumstantial evidence is indirect evidence that gives clues about what happened. Circumstantial evidence is proof of a fact, or a group of facts, that cause the factfinder to conclude that another fact exists. It is for the factfinder to decide whether a fact has been proven by circumstantial evidence. If the factfinder bases its decision upon circumstantial evidence, it must be convinced that the conclusion that it reaches is more probable than any other explanation.

For example, if a witness testified that the witness saw it raining outside, such testimony would constitute direct evidence that it was raining. On the other hand, if a witness testified that the witness saw someone enter a room wearing a raincoat covered with drops of water and carrying a wet umbrella, such would be circumstantial evidence from which the factfinder could conclude that it was raining.

The law permits equal weight to be given to both types of evidence, but it is for the factfinder to decide how much weight to give to any evidence. In making its decision, the factfinder must consider all of the evidence in light of reason, experience, and common sense.

Credibility of Witness: In general and when defendant testifying

The jury is the exclusive judge of the credibility of the witnesses and the weight to be given to their testimony. If there are conflicts in the testimony of the different witnesses, the jury must reconcile them, if possible, without hastily or rashly concluding that any witness has sworn falsely, for the law presumes that all witnesses are truthful. In forming its opinion as to the credibility of a witness, the jury may look to the proof, if any, of his or her general character, the evidence, if any, of the witness' reputation for truth and veracity, the intelligence and respectability of the witness, his or her interest or lack of interest in the outcome of the trial, his or her feelings, his or her apparent fairness or bias, his or her means of knowledge, the reasonableness of his or her statements, his or her appearance and demeanor while testifying, his or her contradictory statements as to material matters, if any are shown, and all the evidence in the case tending to corroborate or to contradict him or her.

If the defendant testifies on his/her own behalf, the defendant's credibility is determined by the same rules by which the credibility of other witnesses is determined, and the jury must give the defendant's testimony such weight

Witnesses for the State of Tennessee

Jonnie McSwain

My name is Augustine Jonnie McSwain. Long-time friends call me “Jonnie.” You can call me Investigator McSwain. I’ve been an investigator with the Shrader City Police Department for seven years, and I joined the department as an officer in 2004. From 1996 to 2004, I was an Army Reservist and student at Weston County University, where I majored in psychology and criminology. I served as a Psychological Operations Officer and, once I completed my studies, as a Psychological Operations Specialist in the army. In both roles, I worked to convey selected information and indicators to foreign audiences and was responsible for the gathering, development, analysis, and distribution of intelligence used for information and psychological effect. I was awarded the Medal of Merit in 2002 and received an honorable discharge in 2004.

In 2009, I completed the department’s Criminal Investigation Course with distinction. The CIC is a fifteen-day, 90-hour intense program that equips aspiring investigators with the necessary knowledge and skill to initiate a case, develop the case through the investigative process, access relevant information from a variety of sources, and apply that information in the way most likely to fairly and efficiently effectuate a conviction. It covers a wide array of subjects, including Latent Prints, Forensic DNA, Surveillance, and Interrogation.

At 6:30 p.m. on Sunday, July 3, 2016, Weston County Emergency Services traced a distorted 911 call to Mapleleaf Manor, a local nursing home. The ES operator could not make out what the caller said but identified the caller as male, noted that he sounded distressed, and explained that the caller may have identified himself as “Karl.” At 6:33 p.m., the operator notified SCPD of the trace, and I was dispatched to Mapleleaf.

When I arrived on the premises at approximately 6:41 p.m., night receptionist Jewel Bezel was on duty. I advised Ms. Bezel that one of Mapleleaf’s residents may have called 911 about ten minutes before I had arrived and asked whether anyone there was named “Karl.” Ms. Bezel pulled a large book from beneath her desk, briefly consulted its contents, and informed me that Mapleleaf had only one resident named Karl. She also showed me the roster of Mapleleaf employees who were on the premises that night, and none of them was named Karl.

Ms. Bezel and I then walked to Room 204, which was occupied by Karl Godunov. On the way there, Ms. Bezel explained that Mr. Godunov, a retired MMA fighter, had had his jaw broken several years earlier. The break, which occasioned Mr. Godunov’s retirement, caused a permanent and significant speech impairment and resulted in unpredictable bouts of vertigo. Further, I understood that he suffered from chronic obstructive pulmonary disease and emphysema, both brought on by years of smoking hand-rolled cigarettes stuffed with less expensive pipe tobacco. Lastly, I understood Mr. Godunov to suffer from congestive heart failure. As we approached Room 204, we heard what sounded like wheezing moans and the shuffling of furniture coming from

inside. When Ms. Bezel knocked on the door, the moans became louder and the shuffling more frantic, and she immediately unlocked it using her electronic identification badge.

Inside we found Mr. Godunov prostrate on the floor. Ms. Bezel acted as if it were another day at the office—suggesting to me that many of these residents were in need of some attention, until she saw the bruising. He was bruised, with several red marks around his neck and jaw, and appeared to have been kicking the chair that was between his bed and a small desk, on which I couldn't help noticing a well-worn copy of *Are You There, Vodka? It's Me, Chelsea*. The base and receiver of the room's telephone were lying near him; the phone was unplugged from the wall. Ms. Bezel and I helped Mr. Godunov into the chair, called an ambulance, and asked what had happened. I learned during CIC that a victim's memory is often clearest when he is closest to an injury-producing event. So that we would not lose any important information due to the passage of time, I was careful to take down a statement from Mr. Godunov and to have him sign it.

At first, it was difficult to understand Mr. Godunov. He appeared to be unable to open his mouth completely, and his speech impairment caused him to slur syllables. Eventually, however, I was able to discern that someone named "Hadley" had been assigned to feed Mr. Godunov dinner that night and that Mr. Godunov had refused to eat his gelatin. The gelatin was melon-flavored, which Mr. Godunov did not enjoy, and he insisted that he very clearly and firmly said "no" each time that "Hadley" mentioned it. Ms. Bezel explained that a local student, Hadley Gruber, was interning at Mapleleaf through Weston's Academy of Medical Technology.

Mr. Godunov hated Gruber. Apparently, fellow resident De'vorea Black had told Mr. Godunov that Gruber was abusive, and Mr. Godunov had reported Gruber to Mapleleaf's administration without knowing that Mr. Black already had reported the abuse. Gruber had been rough with Mr. Godunov ever since. Whenever assigned to feed Mr. Godunov, Gruber would grab the back of Mr. Godunov's head and shovel large spoonfuls of food into his mouth so quickly that Mr. Godunov could barely keep them down. Mr. Godunov was too proud to complain about Gruber for himself, but he drew the line at melon-flavored gelatin desserts.

According to Mr. Godunov, Gruber became agitated when Mr. Godunov would not eat the Jell-O. Gruber told Mr. Godunov that he must eat the Jell-O because Gruber always had received perfect evaluations and was a "perfect healthcare employee." When Mr. Godunov continued to refuse, Gruber became violent. First, Gruber tried unsuccessfully to push spoonfuls of Jell-O past Mr. Godunov's closed lips. When Mr. Godunov would not submit, Gruber grabbed the back of his head, as he had done for weeks, and forced some of the Jell-O into his mouth. This time, however, Mr. Godunov stubbornly spit out every drop. Finally, Gruber seized Mr. Godunov by the neck and forced him to swallow the Jell-O.

Once the Jell-O was finished, Gruber cleaned the residue from Mr. Godunov's face and chest, the desk, and the floor, muttering angrily while leaving Room 204 that no one would break the string of perfect evaluations. Mr. Godunov called 911 as soon as Gruber was gone, but he was beset by a bout of vertigo and fell from his chair. Because the phone receiver fell to the floor with

Mr. Godunov, he was able to speak to the operator briefly, but his tugging on the receiver eventually dislodged the phone's base and unplugged it from the wall behind the desk.

The ES ambulance arrived at Mapleleaf at 6:52 p.m. and transported Mr. Godunov to Gruber Memorial Hospital for evaluation and observation. I am aware that Mr. Godunov lost consciousness in the ambulance, and his brain was deprived of oxygen for the majority of the 25 minutes ride to the hospital.

I followed the ambulance to the hospital and spoke with Mr. Godunov's treating physician, Addison Anderson, upon arrival. Dr. Anderson explained that Mr. Godunov's bruises indicated that someone had applied strong and repeated force to his face and neck. Dr. Anderson also concluded that the fade pattern on Mr. Godunov's neck suggested that he had been abused over a period of weeks. Outraged by the observations, Dr. Anderson was kind enough to provide me with a written statement. Mr. Godunov passed away two weeks later.

I returned to Mapleleaf on the evening of July 3rd after leaving Weston Memorial to speak with De'voreaux Black. Mr. Black, a former limousine driver, confirmed that Black had confided in Mr. Godunov about Gruber's treatment of him; that both separately had reported Hadley to Mapleleaf's administration; and that Gruber had retaliated against Mr. Godunov for weeks by abusing Mr. Godunov whenever Gruber was assigned to feed him. Black said that Black had seen Gruber only in passing that evening as Gruber walked by the door to Black's room—Gruber had not been assigned to Black since Black and Mr. Godunov had reported Gruber—but that Black had noticed several small, gooey, green flecks on Gruber's shoes and pants, which stood out as odd. As with Mr. Godunov, I made sure to take down a statement from Black and to have him/her sign it.

I also spoke with the administrator of Mapleleaf, Truth Beaverhausen, regarding Gruber's employment. Beaverhausen spoke of Gruber as a prodigy who displayed a remarkable acumen for the delicate work involved in palliative care. I learned that prior to the Black complaint, Gruber's record was untarnished. Moreover, Beaverhausen and the other supervisory staff had doubts about the validity of Black's complaint. In an abundance of caution, Mapleleaf kept Gruber away from Black, but were not even concerned enough about the threat Gruber presented to reassign Gruber from Godunov.

Beaverhausen showed me the assignment logs that are kept in each employees' personnel file. It showed that Gruber was the only Mapleleaf agent who was scheduled to see Godunov within six hours of the incident. Godunov was fairly reclusive and preferred to spend his days reading humorous autobiographies and watching old video tapes of jai alai. Upon hearing this, I felt convinced the only person allowed in Godunov's room would have been Gruber.

Additionally, I learned that each Mapleleaf agent is provided with a magnetic identification card, which allows them to operate the facility's locks and to automatically log into the facility's computer systems. Whenever a Mapleleaf care provider visits a room to feed a

patient, they are supposed to log into the laptop in the patient's room to log any relevant vital statistic, and to note that the patient has been fed. Gruber's identification was used to log into the laptop in Godunov's room at 6:23 p.m. The last time prior to that that an identification badge was used to unlock the room or log onto the laptop was approximately six hours before the 911 call.

I learned from Beaverhausen that the day after the incident, Gruber had reported a missing identification badge. Gruber was provided a new badge. I understand that the badge was later found stuffed inside a casket catalogue that was widely available at Mapleleaf called *A Home for My Mortal Remains*.

After considering the cumulative meaning of all this evidence, I decided to present it to the DA's office without first attempting to interview Gruber. Interviewing juveniles is a pain in my weave. You have to talk to their parents, sometimes a lawyer, and then juveniles have nasty attitudes. On July 8, 2016, I took the statements of Mr. Godunov, Black, and Dr. Anderson to an Assistant DAG who is a good friend of mine. I told him that, based on my years of service as a psychological specialist in the army, my investigative training in the CIC, and more than a decade of experience with the SCPD, I was certain that Hadley Gruber had violently and repeatedly abused Mr. Godunov. My friend promised to take the statements to his boss and to let me know whether his office would pursue charges against Gruber. One week later, the DAG's Office filed a petition in Weston County Juvenile Court against Gruber for aggravated assault and adult abuse; a week after that, the DAG filed a second petition, seeking to transfer Gruber to Circuit Court to be tried as an adult.

Thames Gilyard

Hello. My name is Thames Gilyard and I am a clinical forensic psychologist. My office is located in Nashville, Tennessee. I am originally from Seattle but I made my home in the great State of Tennessee after moving here for my education back in the early 1980s. I work out of my own office and primarily do clinical psychological therapy sessions for my clients in and around Nashville, Tennessee. I have spent over ten years working out of my office at The Gilyard Clinic. It is a small office but it is a warm place for my patients to relax. I have music and art in the office and even bring my two dogs Layla and Teddy with me to sessions. They bring a comforting quality to the office and it is soothing for many of my patients. Not all my work is from my office though. Sometimes I appear in court to testify. Many times, a judge will want a mental evaluation on one of the parties to a case. Sometimes these evaluations have to be conducted while the patient is incarcerated. In fact I just finished an evaluation on a young person named Hadley Gruber.

Because Hadley is a minor, I was contacted by the District Attorney to do an evaluation. The DA's office was keen to try Hadley as an adult. I agreed to do the work and scheduled a date to have a visit with Hadley. Because Hadley had been released into parental custody, I was able to have the visit at my office. Immediately upon arrival, Hadley took a seat on the couch in my interview room and gave a smug smile while looking around the room. I see this reaction often to patients who are ordered to have an evaluation rather than choosing it. I introduced myself and asked for permission to conduct the interview without anyone else in the room. The Gruber parents agreed and left the room. I first gave Hadley a few paper tests to quickly take alone. After a short while I returned and saw Hadley had already completed the paperwork and was petting my dog Layla. Considering the incredible time Hadley made on completing the test, I knew I was dealing with a sharp kid. At this point I focused the interview on Hadley's history. Gruber appeared to be alert and keenly aware of the purpose of the interview. After speaking for only a brief time, it became obvious to me that Hadley was a very intelligent young person. At no point did I see any indication of any type of psychological issue which would indicate that Hadley had any need for commitment to a mental health institute. It was also apparent that Hadley fully understood the charges.

Hadley spoke about being employed at Mapleleaf. Hadley was insistent in maintaining his/her status as the best employee. It was apparent that Hadley needed the justification of having an exemplary record from Mapleleaf just from the sheer number of times this contention was brought up. While denying any culpability in the assault of Godunov, Hadley did adopt a surprisingly contemptuous tone toward Mapleleaf's residents. Hadley also talked about being a big fan of the 1987 classic, *Throw Momma from the Train*, which is about a gentleman intent on killing his elderly mother. I am a big Danny DiVito fan, but I've never worked in a facility for the elderly.

About half way in to the interview it became apparent that Hadley was suffering from some depression. I am still unclear if this is a deeper depression that has persisted for some time

or if this is secondary to the criminal charges. With a single psychological examination it is impossible to say for certain the cause. It is also clear that Hadley is very self-assured. Hadley displays some narcissistic personality disorder. This is not an uncommon disorder in people who have criminal histories.

Just as my clinical assessment and interview were just about finished, Hadley mentioned to me frequent nightmares about being pursued by someone with homicide on his mind. Gruber awaking in a panic, screaming “stop, stop!” This seemed odd to me because it didn’t fit the rest of Hadley’s psychological profile. At this point, the examination was over and I told Hadley that we were done. Hadley got up and began to walk to the door. Just as Hadley was nearing the door and I was turning around to walk away and out of the corner of my eye, I saw Hadley kick my dog, and mutter something about my dog having a stupid name, and how I really missed an opportunity to name my dog something that would comport with a playful literary sensibility.

I have finished my evaluation and prepared a formal report as well as a letter to the court which summarize my findings. At this time, I find no reason why Hadley cannot be tried as an adult.

De'Voreaux Black

My name is De'Voreaux Black. That is D-E-'-V-O-R-E-A-U-X. People always have trouble spelling my name. I am 82 years old. My spouse died years ago and my good-for-nothing sons stuck me in Mapleleaf Manor as soon as I tripped up on my telephone number. I mean, who calls your own phone? During my working years, I drove a limousine for all the country singers to and from the airport. I always thought those singers were snooty, but I became good friends with a few of them. They would always request that I pick them up when they would come to town. I had a good business going but decided it was best to retire so I could enjoy life. About that time, my sons stuck me in Mapleleaf and I have been here since.

I like Mapleleaf Manor about as much as you can like an assisted living facility. My daily routine starts with me waking up hoping my next-door neighbors are still alive, except Sue, since she is always trying to ask me to watch *Wheel of Fortune* with her. Following a mediocre breakfast, the Mapleleaf staff lets us spend our mornings as we wish, which allows me to watch my favorite show, the *Price is Right*. After lunch, Mapleleaf provides its residents with multiple activities for the afternoon, including Arts and Crafts, singing, and Bingo depending on what day of the week it is. Once a week, on Wednesdays, the residents not locked up in the Memory Care Unit are allowed to travel to the Wal-Smart on the Mapleleaf bus. Although I love being able to shop for the items I need on my own, Wal-Smart is a very overwhelming store. The week after I moved into Mapleleaf and participated in my first Wal-Smart outing, I encountered a young whippersnapper named Colin that wanted me to help buy him an iTunes gift card so he could listen to music from his phone. After I gave him five dollars to help with his purchase, I saw him immediately take the money and use it to buy some cigarettes. I am still livid with that young man over his actions. How dare he trick a senior! Not only has Wal-Smart caused me stress due to the situation with Colin, but it also is the largest store I have ever been in. The store literally has anything a person could ever want to buy, except dignity. I thought the Mapleleaf van left me after I spent a solid hour in the shampoo aisle trying to decide which bottle of viscous poison to buy. When I made it out the front door, the van was taking its last turn around the parking lot because all of the other Mapleleaf residents had already finished their shopping. Since my traumatizing trip to Wal-Smart, I have not returned to the massive store and have instead asked my neighbor, Fred, to get me to items I need. Fred gladly takes me up on this offer as long as I let him borrow my television when *Maury* comes on in the afternoons.

Once I made it past my first week in a new environment, Mapleleaf started to grow on me. All of the staff are attentive and understanding, except one. Hadley Gruber is a no-good student care assistant. That jerk even put his/her hands on me because I would not eat my entire serving of "pureed carrots" (that stuff is not worth eating). Hadley grabbed me around the neck and was talking crazy about some sort of "scorecard" and "all the points."

Recently, I heard old Hadley was up to it again. Someone said Hadley assaulted my buddy, Karl Godunov for not eating his "dessert." What is it with this kid's obsession with eating? I've got something Hadley can eat. I heard Hadley is now in the big house awaiting trial. I hope Hadley

gets the guillotine. You know, I once had a run in with the law while I was driving my limo. Of course, it was all a big misunderstanding. One of my singer friends forgot to pay me for my service to the airport because he was in a hurry to catch his flight. He paid me \$1,000.00 every time I transported him. While cleaning out my limo, I noticed that he left his checkbook. I knew he would not care, so I went ahead and wrote myself a check and signed his name. I didn't see any harm since I knew he would have paid me had he remembered. Apparently, that was not the case and that jerk filed charges against me with the State. My appointed attorney advised me it was best to plead guilty to forgery and take the 3 months in jail and the 9 months of probation. It is my understanding Hadley may get a light sentence since s/he is only 17, but if Hadley is old enough to rough up unsuspecting seniors, he should be considered old enough to be sentenced as an adult.

Dr. Addison Anderson

My name is Dr. Addison Anderson and I am a physician at Gruber Memorial Hospital. I recently encountered a patient, an elderly man by the name Karl Godunov, who complained of pain in his face and neck area caused by an incident with a worker at his assisted living facility. When he presented to the emergency room, he had been without oxygen for several minutes during the ambulance ride. This was, in my opinion, within a reasonable degree of medical certainty, caused by the convergence of trauma around his throat, his COPD diagnosis, and emphysema. In conjunction with CPR administered at in the ambulance, employees in the emergency department were able to revive him, and he was conscious within the hour of his arrival. After he regained consciousness, I began my physical examination. He had visible signs of trauma, so I sent him down for a CT scan and MRI as a precaution and to find out more about any effects of the trauma. Sure enough, the results showed deep tissue damage and bruising in both areas, which was consistent with what we typically see in strangulation injuries. What was strange though, was that based on the bruise fade pattern, it appeared that there was a pattern to the marks, and whatever was causing the bruising had been going on for several weeks rather than an isolated incident. I could see lines that appeared to look like handprints (with finger and thumb marks) on Mr. Godunov's neck, and although some of the marks were more faded than others, they all looked to be the same size – as if they had all been made by the same object or set of hands. However, it did not appear that the trauma occurred for a long enough period of time to have caused permanent damage. When I asked him about the marks, he mumbled something that sounded like he was talking about hamburgers and someone named Hadley. That was all he ever said about it that evening.

I treated Mr. Godunov at GMH for the next 10 or 11 days. His speech was a bit difficult to understand, and he could be a handful for the nurses sometimes, but overall he was a real treat to be around. Every day he would tell us a different story about his past. One day he was a former double agent during the war. Another time, he said he invented coffee. He even claimed to have come up with the concept of the Happy Meal, but the fast food industry stole it from him. He was okay with that because he had a strong, nearly obsessive draw to the Hamburglar, which he alternated referring to by its regular name and by the name Hadley – and sometimes by a combination of the two. Whenever he would mention the name Hadley, he would break out into a sweat and say something to the effect of, “No Hamburglar Hadley! Leave my collar alone! I want my hamburgers!” He'd calm down as soon as we'd remind him that Hamburglar Hadley was nowhere around. Funny old guy. Several of my colleagues mentioned that they thought these outbursts were as a result of damage done from the hypoxia he suffered immediately before arriving to Gruber. I cannot establish a baseline for his cognitive function because I didn't know him well prior to this encounter; however, it is certainly possible that he was struggling with some cognitive impairment in the wake of the long period during which he was deprived of oxygen.

But I digress. The other thing I recall about Mr. Godunov is that he HATED the hospital's menu. Can you believe he actually tried to give one of the nurses arcade tokens to go buy him a cheeseburger? She refused, of course, due to Mr. Godunov's congestive heart failure. I do not

think he remembered me, but I actually performed triple bypass surgery on him after his first heart attack three years ago, before he had to go to Mapleleaf Manor. I strongly advised him to start eating better, but apparently he did not listen.

Unfortunately, Mr. Godunov's heart problems, bad eating habits, and cigarette smoking got the best of him this time because he passed away earlier this month. When he first arrived at the hospital, I spoke with a police investigator about my findings regarding the bruising, and that it appeared to me that he had been choked. I haven't heard many updates about any investigation that took place, but I really hope they are able to get to the bottom of that.

Witnesses for the Defense

Hadley Gruber

My name is Hadley Gruber and I am a 17-year-old rising senior at Weston High School. I am a two-time defending cross country state champion, captain of the swim team, and president elect of our student body. More importantly, I currently sit atop my class with a 4.15 GPA (.03 points ahead of my twin, Holly) and already have 9 hours of college credit. I have been accepted to Big Orange University, and plan on graduating in three years so I can move on to more important things: med school and a career in medicine. See, I have always wanted to be a doctor. You might say it is in my blood (my mom and dad are doctors and all four grandparents on both sides were doctors). In fact, Gruber Memorial Hospital was named after my great grandmother, Dr. Helga Gruber.

Anyway, my whole life has been devoted to carrying on the family name. When I was in middle school, I used to visit patients at GMH in the afternoon and actually started Weston's pre-med club as a freshman. Last year, both Holly and I applied for and were accepted into the Academy of Medical Technology's Med-Prep Program. Med-Prep is one of the most selective programs in the state and allows high school students to gain practical, hands on medical experience during the summers. During my first summer, I had the opportunity to shadow Dr. Tiffany Kevorkian, who really opened my eyes to how impactful doctors can be on their patients' lives. Then this past summer, three of us—Holly, myself, and a student from Darwish High—were chosen to work as personal care assistants at Mapleleaf Manor, our city's nursing home and assisted living complex.

Each of us were placed in a different part of the facility, but the director at Mapleleaf Manor had so much faith in me that I was assigned to the Orange Wing, which housed individuals requiring the highest level of care. I was given different tasks each day, from providing residents their meals to helping them get dressed and use the restroom to assisting with group activities, even administering medication on occasion. The director came behind each of us and filled out daily performance evaluations, which constituted 100% of our grade at the end of the summer. Med schools afford much more weight to these grades than regular classroom work, and everyone in my family had completed the program with a perfect score.

I loved the residents at Mapleleaf Manor and they loved me—even the ones who could not remember my name or called me someone else. Some needed a little more help than others, but it was nothing I could not handle. In fact, I personally think I did as good a job or better than the actual nurses who were paid to work there. Some days, I would come in and find half eaten food trays by the beds or the residents would be in the wrong rooms. I did not want the director to mistake the nurses' poor performance for my impeccable work, so I was constantly cleaning up after them and fixing their mistakes.

Occasionally that meant being the “bad guy,” because the Orange Wing residents did not always understand what was best for them. For example, during my second week, I was making my rounds during lunch. When I came to De’Voreaux Black’s room, I noticed the nurse had not put on the bib and Black had spilled buttermilk everywhere. It was also clear that Black had only eaten his/her pudding again, but none of the other food. I changed Black’s shirt and explained how important it was that we eat a well-balanced meal and cover *all* the food groups. However, when I put the bib around his/her neck so he/she would not soil anymore clothes, Black jerked it right back off and called me a few choice names, so I moved along to the next room.

After that, everything seemed to be going great and I was on my way to yet another perfect grade—the Gruber way. That is until this incident with Mr. Godunov. It was the final week of the program and I was in the dining room decorating for family day when I saw a police investigator snooping through the home. I heard he was asking about me, but he never asked to talk to me or get my side of the situation. Apparently he was telling people that a Mapleleaf Manor resident called the police saying he had been grabbed or choked or something. Upon his arrival, he determined it to be Karl Godunov. People started talking about how I must have had something to do with Old Man Godunov being hurt. I explained to my coworkers that there must have been a misunderstanding. See, some of Mapleleaf Manor’s residents have strict diets, and Mr. Godunov was of them. He suffered from a litany of health problems—including high blood pressure and high cholesterol—which meant no fried foods. The problem was, Mr. Godunov loved french fries and frequently traded his desserts to other residents for their fries, which was not only a danger to Mr. Godunov, but the other residents as well. Plus, I did not want his lack of care for his own wellbeing to affect my grade. I caught him several times over the summer—including earlier that afternoon—and disposed of the fries, making him eat the food specially prepared for him instead. As you might expect, this made Mr. Godunov mad. He said his food was “tasteless rubbish” and “everyone dies from something” so “he can eat what he likes.” I never heard anything about it from the bosses, and like I said, the investigator never came to see me. I figured everything had fizzled away.

A few weeks later, however, my mother received a phone call saying Mr. Godunov passed away and I was being charged with a felony. What about my perfect GPA? What about med school? What about my future as a doctor? Our family was devastated. I personally think the whole situation is ridiculous. I mean, I have never really even been in trouble. Holly and I had to go to court for truancy a few years ago. We skipped school because the stuff they were teaching was just so easy and boring and we wanted to sneak watching some online college course videos. I also had to do 100 hours of community service when I was 14 because I was charged with the delinquent act of assault. Another kid said I hit him in the back of the head for skipping line, but it was actually Holly who did it—I just took the blame so she would not get in trouble. I knew the community service would be easier for me anyway because of all my time volunteering at GMH.

To make matters worse, I found out the prosecutor is trying to charge me as an adult. I had to give an interview and told the examiner the same story I told the police. Everything I did at Mapleleaf Manor was for the residents’ own good and what the director would have wanted.

I had perfect evaluations all summer! My whole medical career was riding on this program and now it is in jeopardy because some patie... resident refused to follow the rules.

Yoshinobu Takagi, M.D.

My name is Yoshinobu Takagi, but you can call me “Dr. Yo.” I am a medical doctor licensed to practice in Tennessee. I am the founder of Takagi Medical Clinic here in Weston County where I maintain a general family practice. I am also the founder of several other medical consulting companies which I run out of the Takagi Clinic building.

I have provided my C.V. which sets out all my professional qualifications and experience, but I will briefly discuss my education and experience. I obtained my B.S. from Faber College in Faber, Texas. Please don’t confuse my college with the Faber College that was in that ridiculous old movie about a bunch of debaucherous fraternity brothers. I think it was called *House of Animals* or something like that. But I digress. Anyway, my college was very prestigious and for very smart people only. After college, I attended the Faber College of Medicine and obtained my medical doctorate. I did my residency at the Dean Vernon Wormer Hospital in Faber, Texas. I am board certified in internal medicine, emergency medicine, and family practice medicine.

I started my career practicing emergency medicine in the ER at Faber Medical Center. I stayed there for about ten years but ultimately had to leave due to some legal issues. Let’s just say Texas was very litigious. There weren’t any tort reform laws in Texas at that time and the frivolous malpractice lawsuits against me were just too much for the Hospital to keep paying. So, Faber Medical let me go and I moved up here to Weston. I started working in the ER at Weston Memorial Hospital in 1995. I worked there for about 6 years until I decided that it was just too fast paced for me. I mean, you misread a couple of x-rays and forget to check on a few heart attack patients and those peer review committees have an absolute fit. I formed my current practice group in 2002 and have been there since. I spend about 20% of my time seeing patients and the rest of the time I spend on my consulting work doing independent medical exams for insurance companies and doing disability exams. Of course, doing all of that consulting work also requires that I testify in court and in depositions quite a bit. I’ve testified more times than I can count and I’ve always been qualified as an expert witness.

I recall evaluating Karl Godunov in early 2015. As I recall, Godunov’s niece retained me to perform a disability evaluation for a conservatorship proceeding. To assist my evaluation, the niece provided me with all of Mr. Godunov’s medical records and she even rolled him into the office for me to give him a quick onceover. If memory serves me correctly, the niece wanted to put Mr. Godunov in an assisted living home, but he was against that. I think she also said something about an IRA account with several hundred thousand dollars that “needed to be put to good use.”

As part of my evaluation, I thoroughly reviewed all of Mr. Godunov’s medical records, which revealed a fairly complicated medical history. He had several debilitating conditions, but the most concerning at the time were the limitations he was experiencing secondary to his paranoid schizophrenia with delusional impulses and aggressive tendencies. The records revealed several episodes where he assaulted his healthcare providers due to unsubstantiated beliefs that

they were abusing him. The records also demonstrated a history of repeated calls for emergency services claiming that his nurses were assaulting him. Specifically, it appeared that he had called 911 multiple times claiming that his niece, who was also his caretaker had been abusing him. Apparently, upon investigation, authorities found that all of his reports were unfounded. It was clear that his delusions and paranoid schizophrenia were manifesting in Mr. Black's unsubstantiated fear of being assaulted by his caretakers. I also recall that Godunov had a speech impediment that made him/her difficult to understand. That might be why the investigations all turned up empty, the investigators just could not understand who Godunov was talking about.

Unfortunately, I no longer have any of the medical records I reviewed or my notes from the exam. We had a small storage-room fire a few years back, which by the way I was cleared of any wrongdoing in that incident. But, in any event, the only record I still have is my conservatorship proceedings Affidavit that I completed for Mr. Godunov's niece.

In addition to the records review, I performed a brief physical exam of Mr. Godunov. My initial recollection was that Mr. Godunov was a fairly feeble and helpless individual, but the records reminded me otherwise. On initial exam, it was apparent that he suffered from a severe case of Excoriation. Excoriation is medical term used to refer to a patient's compulsive behavior typically involving picking, scratching, and grabbing at his own skin. In Mr. Godunov's case, it appeared that most of his compulsive picking, scratching and pulling was focused in the areas of his face, neck and upper extremities. I concluded this based on the markings and edema evident on these areas of his body. I attempted to verbally interview Mr. Godunov, but unfortunately I was not able to glean any pertinent information due to his communication deficiencies. It was evident that due to his history of stroke and cerebral vascular accidents, he suffered from partial facial paralysis and left sided hemiparesis. Due to his inability to communicate, I was unable to perform any formal cognitive testing and I couldn't get his version of any of the alleged incidents of assault by his caretakers.

Based on my examination, it was my opinion at the time that Mr. Godunov would be best served in a skilled nursing facility where he could be monitored around the clock and receive appropriate administration of his psychotropic medications. Due to his infirmities and limitations, it was my professional opinion that he was not capable of caring for himself in any capacity. Specifically, my opinion was that he was not competent to carry out appropriate health care decision-making, and he was certainly incapable of managing any of his financial or business affairs in any meaningful capacity. For those reasons, I prepared an Affidavit setting out my findings and recommending that a conservator over his person and property be appointed. I had some concerns over whether the niece was the best person to serve as his conservator and whether she had his best interests in mind. It seemed to me that she wanted to commit him to an institution and gain access to his investment accounts, but it's not my job to make that determination, so I left that up to the courts.

Lastly, I did charge a fee for my evaluation of Mr. Godunov and I am charging a fee for my time here today. I am a highly educated and accredited medical professional, so I expect to be compensated for my time. Some lawyers have accused me of testifying for whoever offers me the most money, but I only testify in cases where I believe the facts and the science support my medical opinion—sometimes that is for the prosecution, sometimes it is for the defense. I've always been smarter than any lawyer I've been up against, and the way I look at it is that I deserve to be paid well for my services. I charged \$5,000.00 for my evaluation of Mr. Godunov, which I required to be paid up front in cash. That is my standard rate. Some doctors in town will do it for a couple hundred bucks, but they don't have my expertise. I'm charging my standard testimonial rate today, which is \$1,000.00 per hour for preparation time and \$2,000.00 per hour for time in court with a total minimum charge of \$7,500.00.

Harper Gennaro

My name is Harper Gennaro, but everyone calls me “Sweet G.” They call me that because all my patients at Mapleleaf Manor think I am just the sweetest person. I have worked at Mapleleaf Manor for the past ten years as the health and wellness coordinator or HWC for short. I graduated from the Ivy League University with a doctorate in geriatric wellness studies. I was in the top ten percent of my class and had offers from numerous healthcare facilities, but I chose Mapleleaf Manor because of its commitment to its patients and the large salary they offered, which was significantly higher than anyone else. As HWC, I am in charge of ensuring all of our patients exercise regularly, commensurate with their abilities; eat a balanced and nutritious diet; and maintain an overall healthy disposition. As part of my job, I train and supervise all nurses, technicians, and care assistants in the Mapleleaf Manor facility. At Mapleleaf Manor, we attempt to provide the highest level of care possible, and a major component is our highly trained staff. I personally train all new staff members and require them to pass a practical examination before they can work with our patients. Also, I continually monitor the staff’s performance and make any adjustments or corrections as needed.

We have been fortunate over the years to participate in a local program called Academy of Medical Technology, which prepares high school students for careers in the medical field. Every year, several high performing students are chosen to be in the program. This last year was no different, and we were lucky to get three more excellent students, Hadley Gruber, Holly Gruber, and Felicia Powell. I knew as soon as I met them that the Grubers were destined to make a real impact here at Mapleleaf Manor. I never knew that impact might lead to Hadley Gruber spending the rest of his life in jail. Felicia was less impressive, and Mapleleaf said goodbye to her after a few weeks of gross incompetence.

Let me just say, there is no way Hadley Gruber would ever hurt anyone, especially a patient at Mapleleaf Manor. Hadley adored all of the patients here and would go above and beyond for each and every one of them. Hadley would even puree some of the patients’ food for them to ensure they received a diet fit for their individual dietary needs. Several of our patients struggle to eat the recommended amount of vegetables, but Hadley always found a way to make them enjoy their food to the last bite. Anytime I followed up on Hadley, I always found that his/her patients made a “happy plate” with not a drop of food left. Godunov was one of those patients who always had a “happy plate” ever since Hadley started at Mapleleaf Manor. Godunov had issues swallowing and prior to his admission to Mapleleaf Manor had a poor diet. Godunov would always steer towards a cheeseburger and fries instead of the nutritious options we encouraged Godunov to have to promote a well-balanced and nutritious diet.

I am going to be upset if it is determined that Hadley did those heinous acts to Godunov. Not only was Godunov a wonderful patient, but that would be a blow to Mapleleaf Manor’s stellar reputation, and more importantly reflect poorly on my supervision and training record. Since I have been HWC at Mapleleaf Manor, there has never been an incident like the one Hadley is accused of committing. I suspect it was just Godunov’s bad heart, which was destined to give out

at some point. I heard Godunov said Hadley's name just before he went to be with his maker, but I am sure he was just calling for help, because he knew Hadley had always been there for him. Godunov always asked for Hadley to help with his meals, so I just cannot believe that Hadley had anything to do with Godunov's unfortunate demise.

I would meet with all of our patients every few weeks to evaluate their needs and discuss any complaints or other issues. I never once had any complaint against Hadley by any of the patients. The care assistants were also evaluated daily by the director at Mapleleaf Manor, which would consist of the director's observations and interviews with patients and staff members, including myself. I was always able to give Hadley an excellent report, and it is my understanding Hadley had done outstanding on every evaluation.

Truth Beaverhausen

I am Truth Beaverhausen, and I work as the administrator of Mapleleaf Manor. I have worked in this capacity for the last four years. Prior to that, I worked in the administration of several palliative care facilities, including my most recent stint as the director of operations for Our Lady of Perpetual Wailing in Queensport, Tennessee. I have a bachelor of science in business management from Cholmondeley College, which I earned in 1992. Following my graduation, I worked in administration in the Bureau of TennCare for three years. With limited career advancement options, I went on to earn my MBA from Asturias University.

After my education, I started working in a regional office of a national assisted living center, Logan-Sandman Assisted Living. I handled audits and some basic parts of Medicare compliance. I was excellent at my job, but I learned that you have to go down to go up. In order to be a player in the national assisted living scene, I had to establish that I could run a local facility. That led me on a path that eventually led to Mapleleaf Manor.

I am committed to the success of Mapleleaf Manor, and that is more important than any individual resident or employee. I want to make sure that the facility operates at maximum occupancy and in strict compliance with applicable state and federal regulations. Part of that excellence is effectuated by choosing the best staff, and making sure the residents are serviced like machines. My motto is "Service with a Smile before You Die." It's a private motto. The elderly have strange reactions when you reference death around them.

I didn't directly interview Hadley Gruber, but I had oversight on the selection process for the AMT program. The Gruber twins were extremely well recommended and highly qualified for the program, but Hadley was the star. Candidly, it also didn't hurt that the Gruber family has the resources to benefit Mapleleaf. That being said, I would never sacrifice the quality of my staff to curry favor with an amazingly wealthy family known for making endowments to private healthcare companies.

Hadley mostly lived up to expectations, though s/he was sometimes forgetful with Mapleleaf resources. On more than one occasion, Hadley misplaced his/her badge. That doesn't seem like a big deal, but the Mapleleaf Manor identification badge is critical. It is magnetic; it is used to unlock all the doors in the facility. It is also used to log into all the Mapleleaf computer systems. This is ideal because we don't have to keep multiple keys. We simply program the identification badges to unlock all or some combination of the doors. Also, we have a record of who is where in the facility at any given time. And, rather than have some cumbersome password system, we tie the computers to your identification badge. You walk into a resident's room, swipe your card, and you have access to Mapleleaf's network. We have laptops in each room, and when a healthcare provider, including AMT students, goes into a room to feed a patient or give medicine, they are supposed to log the activity.

You can see why losing your badge is problematic: you are giving near unfettered access to the facility away. For regular employees, losing your badge is significant infraction in our progressive discipline framework. Indeed, it can be a terminable offense. When that happens, we have to have our system engineers come in and kill the missing card, and then issue a new card to the employee. I estimate that each lost card ultimately costs us about \$476.29 in administrative costs to rectify—and, that’s assuming that there hasn’t been a consequential incident from the stolen or missing card.

Hadley lost his/her identification badge three times, including his/her report of a losing it after the incident with Mr. Godunov. Understanding that this was Hadley’s first job, I was more understanding than I would have otherwise been the first time the badge was lost. I brought Hadley into my office and underscored the importance of keeping up with it. Hadley was appropriately apologetic, and we moved on from the incident. I actually didn’t even document the incident, which, candidly, is not normal for me, but I was in a magnanimous mood.

The second time Hadley reported a missing badge, I was less forgiving. We had another sit down in my office. I documented the incident with a letter to Hadley, which I kept a copy of in my “screw ups” file. I keep all documented screw ups in a file as part of my normal practice—normally, that documentation is copied into the employee’s personnel file and a copy is given to the employee. In this case, however, I was concerned about negatively impacting Hadley’s grade with a reprimand that was documented in a personnel file. The program is supposed to be about developing medical acumen, and a lower grade because of absent-mindedness seemed unnecessarily harsh. That being said, I told Hadley to pay for the replacement badge and that any future incidents would result in personnel file-documented discipline. I have provided you with a copy of the letter.

I am aware that De’vorea Black reported some over-the-line behavior by Hadley to Karl Godunov. That report was never formally made, however, and, as I understand it, Godunov merely said something in passing to a Mapleleaf employee—it might have even been to Hadley. In any event, there was never a formal or credible complaint made. Had there been, I would have personally intervened. Not only is elder abuse a quick way to end up in a lawsuit, it is criminal behavior that is inexcusable. Any substantiated report of abusive behavior is immediately punished via termination and a report to law enforcement.

Whatever Godunov “reported,” was amorphous enough that there was never an investigation. I believe the scheduler tried to avoid substantial contact between Hadley and Black; however, when you are dealing with a group of seniors, many of whom have problems with cognition, it is extremely common that they will have an affinity or aversion to a particular employee. We try to accommodate the resident as best we can and put them with employees they *appropriately* like, but that shouldn’t be confused for discipline or suspicion towards the employee.

De'Voreaux Black is a problematic resident insomuch as s/he is the literal worst. I have personally found Black to be untruthful, and I have instructed my staff to be extremely careful around Black, as s/he is wont to make up fanciful stories about being a victim. I even wrote a memorandum to the staff, which I have provided to you.

In short, I have never received a complaint about Hadley's interaction with residents that I deem credible. I personally do not believe Hadley had anything to do with whatever happened to Karl Godunov, though I am genuinely perplexed as to what did happen.

I learned about the attack that evening when Jewel Bezel called me. I was at my book club, "The Club That Dare Not Speak Its Name," discussing *Miles to Go*. I immediately went to Mapleleaf, where I spoke with the investigator who responded to the call. I prepared an incident report; however, our system deleted the report, and my IT people are still attempting to retrieve it.

I spoke to the investigator a couple of times, and I was forthcoming. I was asked to pull the records of who entered Godunov's room on the night of the accident. I looked, but there is no record of Godunov's room being locked prior to about 6:30—around the time whatever happened happened. So, prior to the accident, the room was entirely accessible to anyone in the hallway. That wasn't uncommon. Most residents leave their door unlocked, and often ajar. We have a great community at Mapleleaf, and other residents will often pop in to visit their friends. Sometimes, romance is even in the air. Godunov was not one of the more popular residents, and he was a loner, but he wasn't standoffish. It doesn't surprise me that he would have had an unlocked door all day. He actually welcomed folks into his room on occasion if they were there to tell bawdy jokes or watch jai alai.

The investigator also asked me to see who logged into the room's laptop that day. I was able to provide that report. Our system assigns a random seven-digit number to every identification badge, and then logs every time that badge logs onto one of the laptops. From noon forward, the only badge that logged onto the laptop in Godunov's room was Hadley's badge. I have provided you with an exact copy of the report I provided to the investigator.

To assist you in reading the report, I can tell you that identification number 2884543 is Henry Wotton; identification number 4164360 is Agatha Monmouth; identification number 8675309 is Hadley Gruber; and identification number 1000001 is me. After things settled down at Mapleleaf that evening, I logged onto the laptop in Godunov's room to see if there was anything abnormal afoot. There wasn't.

On July 4, 2016, Hadley reported having lost his/her identification badge for a third time. Under the circumstances, I was livid. I brought Hadley into my office. Hadley was jittery and clearly uncomfortable, and for good reason. Having misplaced his/her identification for a third time was the last straw. I terminated Hadley on the spot. A copy of the termination letter has been provided to you. To be clear, I do not believe that Hadley attacked Godunov; I am not convinced there was

an attack. I always remember Godunov picking at his neck. Moreover, he was a clumsy gentleman and had recurrent problems with vertigo.

A few days after Hadley's termination, another employee found Hadley's employee identification stuffed into a copy of *A Home for My Mortal Remains*, a popular casket catalogue, which the residents pass the time reading. It was found in the hallway near De'Voreaux Black's room. It struck me as odd that it would be found there, and suggests that the badge was stolen because Hadley would not have put his/her badge into a casket catalogue.

I hope Hadley is found to be innocent. From the perspective of patient care, I would still give Hadley a favorable reference to this day.